

REMARKS

Claims 1-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 99/14972 (hereinafter "972") in view of Montgolfier (U.S. Patent Application Publication Number 2002/0004371 A1). Respectfully disagreeing with these rejections, reconsideration is requested by the applicants.

Regarding the rejection of claims 1 and 16, the Examiner cites '972 page 1, lines 15-20. Including an additional portion for context, '972 page 1, lines 9-20 reads (emphasis added):

In cellular radio systems, there is known a so-called handover procedure, according to which a data transmission connection between a mobile station and the stationary parts of the system is routed to pass via a new base station, when the connection through the old base station becomes too weak or has too much interference. For instance in a GSM system (Global System for Mobile telecommunications), each base station transmits a signal in a given so-called BCCH channel (Broadcast Control Channel), in which case the mobile stations measure the power of the received BCCH signals and determine on the basis thereof which cell is the most profitable for the quality of the radio connection. The base stations also inform the mobile stations of the BCCH frequencies used in the adjacent cells, so that the mobile station know what frequencies they must listen to in order to find the BCCH transmissions of the adjacent cells.

In contrast to transmitting a **control** channel that MSs use to determine which cell is the most profitable for the quality of the radio connection, claim 1 recites "**transmitting the dispatch call via the first outbound link to a plurality of mobile stations (MSs)**" (emphasis added). Thus, the applicants submit that '972, as cited by the Examiner, does not teach the transmission of a dispatch call by the BCCH. The same argument applies to the corresponding (albeit for an apparatus) claim language of claim 16.

Claim 1 also recites "**subsequent to the step of determining, indicating to at least one of the plurality of MSs in addition to the first MS the identity of the second outbound link and the identity of the adjacent base site**" (emphasis added). The applicants submit that '972, as cited by the Examiner, does not teach determining an MS should begin a soft handoff via a second outbound link **before** indicating the identity of the second outbound link and the identity of the adjacent base site to multiple MSs. Instead, '972 teaches that the base stations inform the mobile stations of the BCCH

frequencies used in the adjacent cells, so that the mobile stations know what frequencies they must listen to in order to find the BCCH transmissions of the adjacent cells. '972 also teaches that the mobile stations measure the power of the received BCCH signals and determine on the basis thereof which cell is the most profitable for the quality of the radio connection. The BCCHs do not appear to be outbound links with which a soft handoff should begin. The same argument applies to the corresponding (albeit for an apparatus) claim language of claim 16.

Regarding the rejection of claims 10 and 20, the Examiner cites '972 page 7, lines 30-35 and page 7, lines 15-25. Including some additional text for continuity, '972 page 7, lines 15-35 reads (emphasis added):

Figure 6 illustrates a mobile station 600 which receives signals transmitted by the base stations 601, 602 and 603, particularly signals transmitted on a so-called broadcasting control channel BCCH. Each base station uses in its BCCH transmission a given transmission power which in the illustration is marked with symbol $P_{tx} - BCCH_j$, where the subindex j obtains values 1, 2 and 3 with respect to the base stations 601, 602 and 603. The signals transmitted by the base stations fade in different manners on their way to the mobile station 600, which receives them at powers $P_{rx} - BCCH_i$, where the subindex i obtains values 1, 2 and 3. The mobile station 600 calculates the pathlosses L_{jP1} per each base station.... Because the pathloss L_{jP1} is defined as a ratio, it has no unit. The knowledge as to which BCCH transmission of the base stations it should receive, the mobile station 600 obtains from the current base station that includes in its transmission a list of the surrounding base stations in a known way. If the BCCH transmission power of the base stations is not constant in the system, the mobile station also obtains knowledge of the BCCH transmission power $P_{tx} - BCCH_j$ used by each base station in a known way. The mobile station compiles a candidate list of all such base stations whose calculated pathloss is for the amount of a so-called handover marginal lower (and parameter L_{jP1} is higher) than the pathloss calculated for the current base station.

In contrast to receiving a **control channel** that MSs use to determine which cell is the most profitable for the quality of the radio connection, claim 10 recites "receiving a **dispatch call** via a first outbound link with a base site" (emphasis added). Thus, the applicants submit that '972, as cited by the Examiner, does not teach the transmission of a dispatch call by the BCCH. The same argument applies to claim 20.

Claim 10 also recites "beginning a soft handoff by simultaneously receiving the dispatch call via the first outbound link and the second outbound link **without signaling the base site regarding the soft handoff**" (emphasis added). '972 page 7, lines 30-35 reads (emphasis added):

Next we shall observe signalling needs according to figure 7 in the exemplary embodiment where the

calculations according to the formulas (4) - (9) are carried out by the radio network controller. The mobile station MS performs the received power measurements 701 connected to the pathloss calculations at given intervals, when the pathloss conditions change or after the base station BS has sent a command 702 to this effect. The base station can send said command 702 for example after detecting a change in the transmission power or interference power situation (formulas (2) ja (3)). As a result of the measurement, the mobile station sends the base station and therethrough further to the radio network controller RNC a measuring message 703 containing measurement data of all base stations included in the candidate list. A possible measuring command 702, by which the base station can command the mobile station to carry out the pathloss measurements, contains information as to which base stations are included in the candidate list. When the base station has transmitted the measuring message 703 to the radio network controller, the radio network controller sends, when necessary, to the mobile station a handover command 704, which in a known way contains all the information that the mobile station needs in order to start data transmission with the new base station. The mobile station acknowledges the handover command by sending the radio network controller an acknowledgement message 705 either via the old or the new base station.

Figure 8 illustrates signalling in an alternative embodiment, where the mobile station takes the initiative for handover. Via the BCCH channels transmitted by base stations included in the candidate list, the mobile station obtains information 802 of the transmission power and interference power measurements carried out by the base stations. If the mobile station decides to execute a handover, it sends a message 803 to this effect to the radio network controller via the base station. The radio network controller sends an acknowledgement message 804, where it either accepts or rejects the handover.

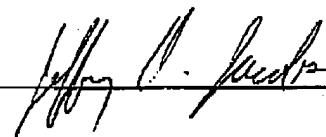
Thus, the applicants submit that '972 teaches away from beginning a soft handoff without signaling the base site regarding the soft handoff. The same argument applies to claim 20.

Since none of the references cited, either independently or in combination, teach all of the limitations of independent claims 1, 10, 16 or 20, or therefore, all the limitations of their respective dependent claims, it is asserted that neither anticipation nor a prima facie case for obviousness has been shown. No remaining grounds for rejection or objection being given, the claims in their present form are asserted to be patentable over the prior art of record and in condition for allowance. Therefore, allowance and issuance of this case is earnestly solicited.

The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. 502117 – Motorola, Inc.

Respectfully submitted,
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